

MT LEGISLATIVE HISTORY

Chapter 531 19 87

Bill H 503 S _____

Original bill & hist. ✓ C

H. Committee on Judiciary

S. Committee on _____

Hearing Date(s) _____ C

Hearing Date(s) _____ C

2/9 ✓ C

3/24 ✓ C

_____ C

_____ C

_____ C

_____ C

Date Out 2/17 ✓ C

3/26 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE BILL NO. 503

INTRODUCED BY BRADLEY, WINSLOW

IN THE HOUSE

JANUARY 28, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 17, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1987	PRINTING REPORT.
FEBRUARY 19, 1987	SECOND READING, DO PASS.
FEBRUARY 20, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 72; NOES, 18.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 26, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 30, 1987	SECOND READING, CONCURRED IN.
	ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.
	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 503
2 INTRODUCED BY Bradley Winder
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING A LANDOWNER
5 IMMUNITY AGAINST CLAIMS OF PERSONS GRATUITOUSLY TOURING OR
6 VIEWING CULTURAL AND HISTORICAL SITES AND MONUMENTS ON THE
7 LANDOWNER'S PROPERTY; EXCLUDING FROM IMMUNITY ANY CLAIMS
8 ARISING FROM THE LANDOWNER'S WILLFUL OR WANTON MISCONDUCT;
9 AND AMENDING SECTION 70-16-301, MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 70-16-301, MCA, is amended to read:
13 "70-16-301. Recreational purposes defined.
14 "Recreational purposes", as used herein, shall include
15 hunting, fishing, swimming, boating, water skiing, camping,
16 picnicking, pleasure driving, winter sports, hiking, or
17 other pleasure expeditions. The term also includes touring
18 or viewing cultural and historical sites and monuments."

-End-

STATUS SHEET

50th LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
495	2/11/87	2/14/87	tabled								
501	2/13/87	2/14/87			2/14/87	2/14/87					
502	2/16/87	2/17/87	2/18/87	tabled							
503		2/9/87	2/17/87	2/17/87							
509		2/16/87	2/16/87			2/16/87					
514		2/10/87	2/20/87	tabled							
522		2/9/87	2/23/87	tabled							
546		2/16/87	2/20/87			2/20/87					
548		2/16/87	2/23/87	tabled							
554		2/10/87	2/10/87	2/10/87							
558		2/13/87	2/16/87			2/16/87					
564		2/11/87	2/20/87			2/20/87					
566		2/12/87	2/21/87			2/21/87					
567		2/11/87				2/23/87					

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

JUDICIARY COMMITTEE

50TH LEGISLATIVE SESSION

1987

Committee Members

District

Rep. Earl Lory, Chairman	59
Rep. John Mercer, Vice Chairman	50
Rep. Kelly Addy	94
Rep. Dave Brown	72
Rep. Tom Bulger	37
Rep. John Cobb	42
Rep. Fritz Daily	69
Rep. Paula Darko.	2
Rep. Ralph Eudaily	60
Rep. Leo Giacometto	24
Rep. Bud Gould	61
Rep. Ed Grady	47
Rep. Tom Hannah	86
Rep. Vernon Keller	83
Rep. Al Meyers	53
Rep. Joan Miles	45
Rep. Paul Rapp-Svrcek	51
Rep. Bill Strizich	41

Secretary

Renee Podell

Staff

John McMaster

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 9, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 9, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused and Rep. Hannah who was absent.

HOUSE BILL NO. 503: Rep. Bradley, District No. 79, stated that this bill grants a landowner immunity against claims of persons gratuitously touring or viewing cultural and historical sites and monuments on the landowner's property; excluding from immunity any claims arising from the landowner's wilful or wanton misconduct. Rep. Bradley submitted the current MCA statute 70-16-302 (Exhibit A) and stated that this bill extends the restriction on liability to permittees. The purpose of this extension is to allow Mr. Jim Dolan, A Montana sculpture artist to construct thirty-six outdoor sculptures to be placed throughout the State of Montana. These sculptures will represent Montana's heritage and pride. She submitted a booklet titled, Montana Spirit which outlines and names each sculpture and its' selected tentative locations. (Exhibit B).

PROPOSERS: MARCELLA SHERFY, Program Manager for the State Preservation Office, within the Montana Historical Society, stated that her office is responsible for encouraging the preservation of Montana's significant historic and prehistoric resources. Although the Historical Society is not directly involved in the project which generated a need for this legislation, they are strongly in support of it. She submitted written testimony. (Exhibit C).

JOHN WILSON, Administrator of the Montana Promotion Division, Department of Commerce, stated that the Governor's Council has endorsed the project that Rep. Bradley has outlined and urges support for this legislation.

There were no further proponents testifying and no opponents. There were no questions. Rep. Bradley closed the hearing on HB 503.

HOUSE BILL NO. 478: Rep. Thomas, District No. 62, sponsor, explained that this bill deals with limiting liability for the weed district. In cases of gross negligence or wilful acts, a district is liable for economic damages within the

DAILY ROLL CALL
JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 9, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)		✓	✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)		✓	
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

HB# 203

notice in writing that the repairing of such fence is necessary, build or repair such fence at the expense of the party so neglecting or refusing, the amount so expended to be recovered from him; and the party so neglecting or refusing, after receipt by him of the notice above provided, is liable to the party injured for all damages he may sustain thereby.

History: En. Sec. 1118, 5th Div. Comp. Stat. 1887; re-en. Sec. 3257, Pol. C. 1895; re-en. Sec. 2089, Rev. C. 1907; re-en. Sec. 6782, R.C.M. 1921; re-en. Sec. 6782, R.C.M. 1935; R.C.M. 1947, 67-807.

70-16-210. Removal of partition fence. If the occupants of adjoining lands build their respective portions of a partition fence and either of them at any time desires to suffer the land occupied by him to lie open, he may, after having given to the occupants of the adjoining land at least 6 months' notice of his intention so to do, remove his proportion of the partition fence unless such adjoining occupant pays or tenders to him the value thereof. If such fence be removed without notice or after payment or tender of the value as aforesaid, the person removing the same is liable to the person injured for all damages he may sustain thereby.

History: En. Sec. 1117, 5th Div. Comp. Stat. 1887; re-en. Sec. 3256, Pol. C. 1895; re-en. Sec. 2088, Rev. C. 1907; re-en. Sec. 6781, R.C.M. 1921; re-en. Sec. 6781, R.C.M. 1935; R.C.M. 1947, 67-806.

Part 3

Gratuitous Permittee for Recreation

Part Cross-References

Recreational use of streams, Title 23, ch. 2,
part 3.

Limitation on landowner liability to recreationists, 23-2-321.

Liability, Title 27, ch. 1, part 7.

70-16-301. Recreational purposes defined. "Recreational purposes", as used herein, shall include hunting, fishing, swimming, boating, water skiing, camping, picnicking, pleasure driving, winter sports, hiking, or other pleasure expeditions.

History: En. Sec. 2, Ch. 138, L. 1965; R.C.M. 1947, 67-809.

Cross-References

"Recreational use" defined, 23-2-301.

70-16-302. Restriction on liability to permittee. A landowner or tenant who permits, by act or implication, any person to enter upon any property in the possession or under the control of such landowner or tenant for any recreational purpose without accepting a valuable consideration therefor does not by granting such permission extend any assurance that such property is safe for any purpose or confer upon such a person the status of invitee or licensee to whom any duty of care is owed, and such landowner or tenant shall not be liable to such person for any injury to person or property resulting from any act or omission of such landowner or tenant unless such act or omission constitutes willful or wanton misconduct.

History: En. Sec. 1, Ch. 138, L. 1965; R.C.M. 1947, 67-808.

20.014
MONTANA PRIDE

STATEMENT OF PURPOSE

In 1889 our forefathers embarked on a new path for Montana. The Buffalo made way for cattle and sheep; the Indian was subdued and wheat was planted where Buffalo Grass grew for thousands of years. Montana was entering a new era.

In 1989 Montana will enter yet another era, as dramatic as was the one a hundred years ago. The heritage of Montana is rich beyond its natural resources, it lies within its people and their dreams.

I am proposing a project which I believe will act as a focus and also a catalyst for better times for Montana. This project will consist of thirty-six outdoor sculptures placed throughout the State. These sculptures will represent Montana's heritage and pride. I am proposing that the majority of these sculptures be placed along the major highways of Montana. This will accomplish two things. First it will remind Montanans that we have a very colorful and unique heritage of which we should all be proud. The second will be the impact on our visiting guests to this State. Our State is wide and deep and with sculpture accessible, visitors will learn about Montana and will want to spend more time here. This will help make Montana a destination not a pass through State. Imagine the impact if our tourists spent an extra night or ate a few extra meals while traveling through the State. I believe this project will have that impact.

Response to my sculpture in Montana and throughout the Nation has led me to the conclusion that sculpture can say things that cannot be visualized in words or pictures. Art has a great influence on how the Nation views Montana and probably has had a greater impact than other forms of promotion. A good example is how Charlie Russell's work has been instrumental in how Montana is perceived by the rest of the Nation.

My proposal of major pieces of sculpture will set the pace for a new era for Montana. No sculptor to my knowledge has made his State a sculpture garden, and I say "Why not Montana"? Alexander Calder, famous for his mobiles, completed a piece for Grand Rapids, Michigan. This is now the focal point of this city. By the city's estimates two hundred thousand people a year come to Grand Rapids primarily to see Calder's sculpture.

Public Sculpture has been the reflection of civilization for thousands of years. Can you visualize Egypt without the Pyramids or the Sphinx? How about New York City without the Statue of Liberty? Visualize the image of South Dakota without Mount Rushmore! Obviously these are but a few examples. Ask the citizens and business people of Bozeman what public sculpture has done for their city; or what impact "Our Lady of the Rockies" has had on Butte?

I know how the rest of the nation views Montana. I travel with my work and am an ambassador for Montana. The images that people relate to me, about what they think Montana is, has largely been through our art.

All points of Montana have potential for sculpture and I visualize the State being covered geographically with this project because we are all one people bonded together in an uncommon land. This project will create a focus from within Montana and throughout the Nation that Montana is starting a new era and is proclaiming its pride for all to see.

EXHIBIT B
DATE 2-9-87
CB 503

MONTANA PRIDE

SITE LOCATIONS

I have selected tentative locations for twenty-four sculpture scenes as described below. With few exceptions the exact locations have not been identified. There are many more sites which may be suitable for a sculpted scene, and I am leaving these open as the circumstance dictates. It is my vision that I will sculpt in thirty-six locations for **Montana Pride**.

1. "Meat on the Hoof" (Buffalo Jump) - Three Forks area.
2. "Selling me Back for Underground Wages" (Underground Miners) - Butte area.
3. "Buffalo Tongue and Friendship" (Running Buffalo) - Wibaux area.
4. "Don't Worry There'll Be Enough Indians for All of Us" (Seventh Cavalry) - Rosebud Creek and Yellowstone River area.
5. "You And I Sucked the Same Tit" (Lewis and Clark with Sacajewea, the Bird Woman, recognizing her brother) - Dillon area.
6. "Proving Up in Mr. Hill's Country" (Homesteading, Mr. Hills dream) - Havre area.
7. "Fresnos, Horses, Backs, and Bars" (Mullan and His Road) - Lookout Pass area.
8. "Oilriggers & Roughnecks" - Sunburst area.
9. "Bringing in the Harvest" (40 horse hitch) - Great Falls area.
10. "Chief Joseph and the Roche Jaune" - Laurel area.
11. "Following the Buffalo North" (Indians) - Wyola area.
12. "Flour, Blankets, Biscuits, and Whiskey" (Freighting with Bull Trains) - Fort Benton area.
13. "Wagons on the Bozeman Trail" - Greycliff area.
14. "Eight Horses and Strong Leather" (Logging with Horses) - Missoula area.
15. "Crosscuts and Sweenys, and Who's this Stihl Guy?" (Logging the North Country) - Libby area.
16. "Ma'te on the Whiskey Trail" - Shelby area.
17. "Handover Your Watches, Wallets, and Purses" (Stagecoach Robbery) - Monida Pass area.

10
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8. "Callouses, Grease, and Oil" (Wild Catters) - Bainville area.
9. "Second Verse Same as the First" (Gandy Dancers laying steel) - Billings area.
10. "When Social Security was a Hawkins" (Trappers on the Madison) - West Yellowstone area.
11. "Eight Hours to Bozeman, a Bath, and a Beer!" (Cattle Drive) - Bozeman Pass area.
12. "Turning Grass Wrong Side Up" (Horse Plowing) - Helena area.
13. "In the Shadow of the Mountains" (Lewis & Clark) - Cascade area.
14. "Plenty Good Grass, Many Tepees, and Fleshy Horses" (Indian Village and Pony Herd) - Billings/Hardin area.

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MONTANA PRIDE

SCHEDULE

The schedule for Montana Pride will be stretched over several years extending beyond the Centennial celebration. I have scheduled four projects/locations for 1987. The first will be the "BUFFALO JUMP - MEAT ON THE HOOF" located near Three Forks. The second piece scheduled will be "RUNNING BUFFALO" near Wibaux greeting our visitors entering Montana from the East. The next two pieces will be announced as sponsors are secured.

I will be pursuing sponsors on a regular basis to ensure the continuation of this project and the completion of all thirty-six sites.

2-9-87
HB # 503

JIM'S HISTORY

Montana immigrant. In 1966, at the age of eighteen, I fulfilled a dream by moving to Montana. I thought I was spiritually born here and consider it the center of my earth.

ended Montana State University and graduated with both a B.S. and M.S. in Agriculture. It was in my 3rd year of college that I started to sculpt and had thoughts of becoming sculptor. In 1972 I decided to do it full time. Since that time I have shown throughout the U.S. and have pieces in both Europe and Asia. The last couple of years the majority of my work has gone to the East Coast, primarily Virginia and Maryland. My public work in Montana is centered mostly in the Gallatin Valley.

B
2-9-87
#503

MAJOR REPRESENTATIVE PUBLIC SCULPTURES

"FLIGHT OF CANADA GEESE", Gallatin Field Airport Terminal
Belgrade, Montana

"ELK HERD", First Citizens Bank
Bozeman, Montana

"PIONEER NELSON STORY", Lindley Park
Bozeman, Montana

"RISING MALLARDS", First Security Bank
Bozeman, Montana

SNOW GEESE", Devils Lake Park
Devils Lake, North Dakota

BIGHORSE - RUSTY"
Bozeman, Montana

MINAGERIE OF EAGLES", Life of Montana Building
Bozeman, Montana

"BLACK BEARS", Rivers Park
Columbia, Maryland

"WHITETAIL DEER (PAIR)"
Columbia, Maryland

"BIGHORN SHEEP", Bighorn Center
Big Sky, Montana

"FAMILY OF EAGLES"
Tyson's Corner, Virginia

"CANADA GEESE"
Columbia, Maryland

"MALLARD PAIR"
Columbia, Maryland

"BALD EAGLE, CALIFORNIA CONDOR, WHOOPING CRANE, PEREGRINE FALCONS",
Metro Executive Terrace
Landover, Maryland

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"RUNNING MUSTANGS"
Ennis, Montana

"GLOBE", Baltimore Hotel
Bozeman, Montana

"WHITETAIL DEER"
Richmond, Virginia

"COWBOY ON HORSE", Conrad High School
Conrad, Montana

"BLACK PANTHER", Belgrade High School
Belgrade, Montana

"WARRIOR", Bozeman Jr. High School
Bozeman, Montana

"JAKE AND DAVE" (life size fishing scene), South Boulder Ranch
Cardwell, Montana

"ANTELOPE", Robie Stock Ranch
Ennis, Montana

EXHIBIT CDATE 2-9-87HB # 503

f House Bill 503

ers of the House Judiciary Committee:

fy. I am the Program Manager for the State Preservation
Montana Historical Society. Our office is responsible for
reservation of Montana's significant historic and prehistoric
ugh the Historical Society is not directly involved in the
erated a need for this legislation, we are strongly in support
ng of a property in the National Register of Historic Places or
of it as a Montana Heritage property does not, in any way,
ty owners to provide access to it. Nonetheless, periodically
interesting, architecturally unique, or archaeologically important
gainst recognition or designation for their property because they
at will encourage visitation and will leave them liable for any
t visitors might sustain. Even more important, owners of historic
or mining or homesteading remains sometimes destroy them rather than
ntial liability claims for injury that visitors might make. In
, owners of historic mining properties feel very vulnerable to visitors
subsequent injuries and claims. In clearly granting immunity to
ers from visitors who come to view historic buildings or
-essentially uninvited and on their own--we believe that this legislation
courage preservation of some sites that might otherwise be destroyed and
age owners to seek recognition that such sites often warrant if our state's
age is to be well understood.

k you.

WITNESS STATEMENT

DATE 2-9-87

HB # 503

NAME Marcella Shenf BILL NO. 503

ADDRESS Helena DATE 2-8-87

WHOM DO YOU REPRESENT? Montana Historical Society

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

COMMITTEE

BILL NO.

503

DATE _____

2-9-87

SPONSOR

Bradley

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 27

1959

Mr. Speaker We, the committee on
report **HOUSE BILL NO. 343**

PROCELANE

do pass
do not pass

be concurred in
be not concurred in

on amended
statement of intent attached

Chairman

72
72

REPORT

Meeting Room 1

order

DAILY ROLL CALL

JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 17, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)		✓	✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

JUDICIARY COMMITTEE
FEBRUARY 17, 1981
PAGE 3

Rep. Gould moved that HB 400 DO PASS. Rep. Bulger stated that this bill does not do a thing and he desired to table it. Rep. Gould pointed out that he would like to see the opponents of the bill be landlords for a year and then come back and see what they have to say to the Legislature.

Rep. Mercer moved to amend HB 400 stating that there is not a great housing problem in Montana. Rep. Lory stated that he has the same problem with this bill as he had with HB 399 with regard to the proper approach. This should be a joint resolution rather than putting it into statute. Rep. Bulger pointed out that if we have an argument with this it is with the law. Rep. Mercer stated that his motion is that we change the law. Rep. Addy explained that by not deciding on the issue we are deciding on this issue and we must make a decision. Rep. Mercer stated to do nothing in this area is preposterous. The Human Rights Commission recognized that this was not going to be very popular when they did not put on an effective date and if we do nothing then we are ignoring the desires of the people of Montana. He pointed out that the amendment goes a long way in addressing the problem. Question was called and a voice vote was taken. The motion CARRIED 13-3. (See Amendments Attached). Rep. Rapp-Svrcek stated that he is in total agreement with the concept of the amendment but wondered if the bill is the proper vehicle to carry it through. Question was called and a voice vote was taken. The motion CARRIED 12-2. HB 400 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 605:

Rep. Bulger moved that HB 605 DO PASS AS AMENDED. He explained the amendments section by section. Rep. Mercer stated that he agrees with the amendments. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Bulger moved the Statement of Intent (See Attachment). A voice vote was taken and the motion CARRIED unanimously. Question was called on the bill and a voice vote was taken. The motion CARRIED unanimously. HB 605 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 322:

Rep. Budally moved that HB 322 DO PASS. He moved the amendments. Question was called and voice vote was taken. The motion CARRIED 14-2. (See Amendments Attached). Rep. Budally moved that HB 322 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 14-2, with Reps. Gould and Brown dissenting. HB 322 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 503:

JUDICIARY COMMITTEE
FEBRUARY 17, 1987
PAGE 4

Rep. Cobb moved that HB 503 DO PASS. Question was called and voice vote was taken. The motion CARRIED 16-1 with Rep. Addy dissenting. HB 503 DO PASS.

ACTION ON HOUSE BILL NO. 472:

Rep. Darko moved that HB 472 DO PASS. Rep. Darko moved the amendments.

Rep. Giacometto questioned how much money it would take to start mediation action.

Rep. Darko stated that it would cost \$100.00 per divorce. Rep. Gould asked Rep. Darko if mediation would now become mandatory and she stated, yes, it can be done privately or through the court.

Question was called and a voice vote was taken. (See Amendments Attached). The motion CARRIED 7-5.

Rep. Darko moved that HB 472 DO PASS AS AMENDED. Question was called and voice vote was taken. The motion CARRIED 8-4, with Reps. Grady, Bulger, Giacometto and Gould dissenting. HB 472 DO PASS AS AMENDED.

HOUSE BILL NO. 57, Rep. Sales, District No. 76, stated that this bill is simply a bill that prohibits preferential treatment of any person based on race, color, sex, culture, social origin or condition, political or religious ideas, or age, and amends Article II, Section 4, of the Montana Constitution, providing notice of a two-thirds vote requirement. He pointed out that the laws of the State of Montana should treat all people equally.

There were no proponents to this bill.

OPPONENTS:

MARGARET S. DAVIS, League of Women Voters of Montana, stated that the League opposes this bill because of the proposed addition of the words, "or give preferential treatment to" to the Montana Constitution. To discriminate against groups or individuals on the basis of race, color, sex, culture, social origin or condition is to deny rights, access, and full participation in the exercise of full civil and/or political rights.

She submitted written testimony. (Exhibit A).

BARBARA ARCHER, Women's Lobbyist Fund, stated that there is clear evidence that overcoming a long history of past

MONTANA STATE SENATE

JUDICIARY COMMITTEE

50TH LEGISLATURE

COMMITTEE MEMBERS: Senator Joe Mazurek, Chairman
 Senator Bruce Crippen, V. Chairman
 Senator Tom Beck
 Senator Al Bishop
 Senator Chet Blaylock
 Senator Bob Brown
 Senator Jack Galt
 Senator Mike Halligan
 Senator Dick Pinsoneault
 Senator Bill Yellowtail

STAFF ATTORNEY: Valencia Lane

COMMITTEE SECRETARY: Mary Huber

BOOK: 1 of 4

INCLUSIVE DATES: January 6 - January 30, 1987

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 24, 1987
10:00 A.M.

The fiftieth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 24, 1987 by Chairman Joe Mazurek in Room 325 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 503: Representative Dorothy Bradley, House District 79, Bozeman, introduced House Bill 503, which amends the existing statutes that provide landowners immunity from liability for injuries to persons who are on their land for recreational purposes and without charge. She said the artist Jim Dolan is planning on putting sculptures on private land. She said the landowners are afraid of liability problems. She suggested better wording on line 16, after "hiking", insert "touring and viewing cultural and historical sites and monuments".

PROPOSERS: Jim Dolan, artist from Bozeman, gave the committee a summary of his work and his plans for his projects. (Exhibit 1)

Karl Englund, Montana Trial Lawyers Assn., asked how the statute can define a "historical site". He felt the bill is strictly to protect the landowner when people come onto his land to look at a historical site or art.

OPPOSERS: There were no opponents.

DISCUSSION ON HOUSE BILL 503: Senator Mazurek asked Representative Bradley if she has thought about the problem Karl Englund brought up. Rep. Bradley explained all this bill gives is a reference to the landowner.

Senator Blaylock asked what the difference is between "touring" and "viewing". Rep. Bradley stated that if the committee feels that is redundant language, then it can be taken out.

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 24

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blavlock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

MONTANA SPIRIT

STATEMENT OF PURPOSE

In 1889 our forefathers embarked on a new path for Montana. The Buffalo made way for cattle and sheep; the Indian was subdued and wheat was planted where Buffalo Grass grew for thousands of years. Montana was entering a new era.

In 1989 Montana will enter yet another era, as dramatic as was the one a hundred years ago. The heritage of Montana is rich beyond its natural resources, it lies within its people and their dreams.

I am proposing a project which I believe will act as a focus and also a catalyst for better times for Montana. This project will consist of thirty-six outdoor sculptures placed throughout the State. These sculptures will represent Montana's heritage and pride. I am proposing that the majority of these sculptures be placed along the major highways of Montana. This will accomplish two things. First it will remind Montanans that we have a very colorful and unique heritage of which we should all be proud. The second will be the impact on our visiting guests to this State. Our State is wide and deep and with sculpture accessible, visitors will learn about Montana and will want to spend more time here. This will help make Montana a destination not a pass through State. Imagine the impact if our tourists spent an extra night or ate a few extra meals while traveling through the State. I believe this project will have that impact.

Response to my sculpture in Montana and throughout the Nation has led me to the conclusion that sculpture can say things that cannot be visualized in words or pictures. Art has a great influence on how the Nation views Montana and probably has had a greater impact than other forms of promotion. A good example is how Charlie Russell's work has been instrumental in how Montana is perceived by the rest of the Nation.

My proposal of major pieces of sculpture will set the pace for a new era for Montana. No sculptor to my knowledge has made his State a sculpture garden, and I say "Why not Montana"? Alexander Calder, famous for his mobiles, completed a piece for Grand Rapids, Michigan. This is now the focal point of this city. By the city's estimates two hundred thousand people a year come to Grand Rapids primarily to see Calder's sculpture.

Public Sculpture has been the reflection of civilization for thousands of years. Can you visualize Egypt without the Pyramids or the Sphinx? How about New York City without the Statue of Liberty? Visualize the image of South Dakota without Mount Rushmore! Obviously these are but a few examples. Ask the citizens and business people of Bozeman what public sculpture has done for their city; or what impact "Our Lady of the Rockies" has had on Butte?

I know how the rest of the nation views Montana. I travel with my work and am an ambassador for Montana. The images that people relate to me, about what they think Montana is, has largely been through our art.

All points of Montana have potential for sculpture and I visualize the State being covered geographically with this project because we are all one people bonded together in an uncommon land. This project will create a focus from within Montana and throughout the Nation that Montana is starting a new era and is proclaiming its spirit for all to see.

ACTION ON HB 761: A straw vote indicated the committee would not pass the bill. Senator Beck wanted to keep it alive for the sake of the small counties. No action was taken.

ACTION ON HB 503: Valencia Lane asked if the committee would like to amend the last sentence of the bill, so it will include touring or viewing of historical sites as suggested by the sponsor. Senator Blaylock asked what the difference was between "touring" and "viewing". Valencia said "touring" implies "passing through an area" while "viewing" is just looking. Senator Blaylock moved Dorothy Bradley's amendment:

Page 1, line 16.

Following: "hiking,"

Insert: "touring or viewing cultural and historical sites and monuments,"

He also moved:

2. Page 1, lines 17 and 18.

Following: "expeditions." on line 17.

Strike: remainder of line 17 through line 18

The motion carried. Senator Blaylock moved the bill AS AMENDED BE CONCURRED IN. The motion carried unanimously.

ACTION ON HB 748: Senator Mazurek explained the Ramirez's amendments to the committee (see Exhibit 6). Senator Mazurek asked what Title 35, chapter 15 applies to. Valencia said it applies to cooperative associations. He said the bill only applies to the liability of the officers or directors to the corporation or the shareholders. He said the bill has nothing to do with third parties. Senator Pinsoneault said on page 3 there were exceptions that obligate corporations to stay within guidelines. Senator Halligan asked if these amendments were presented in the House at all. Senator Mazurek said Representative Bardanouve asked in the House why the bill only applies to private organizations and he wanted to know why the bill would not apply to REA and others like REA. Senator Mazurek said the amendments make the same provisions applicable to other corporations. Senator Halligan moved the amendments. The motion carried. Senator Blaylock moved the bill AS AMENDED BE CONCURRED IN. The motion carried.

ACTION ON HB 207: Valencia handed out amendments to the committee that they had asked her to prepare (see Exhibit 7). Senator Halligan moved the amendments. The motion carried. Senator Pinsoneault moved the bill AS AMENDED BE CONCURRED IN. The motion carried unanimously.

ACTION ON HB 309: Valencia explained the amendments requested by the committee (see Exhibit 8). She said the third amendment is language from the Workmen's Comp. Act, which protects the privacy of people's

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
FINAL COMMITTEE REPORT OF REFERRED BILLS
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CHAIRMAN--SEN. JOE MAZUREK
NORMAL SCHEDULE==> SITE: ROOM 325

DAYS: MON THRU FRI

TIME: 10:00 A.M.

SECRETARY-MARY HUBER

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0491	3/02	3/26		CONCUR		3/28
SPAETH, GARY			AMEND CONSTITUTION TO ALLOW RESIDENCY OF LOWER COURT JUDGES BE SET BY LAW			
HB0495	3/02	3/16		CONCUR AS AMENDED		3/21
CORNE, DICK			EXPAND COVERAGE OF OFFENSE OF CUSTODIAL INTERFERENCE			
HB0501	2/21	3/26		CONCUR AS AMENDED		3/26
CODY, DOROTHY			INTERPLEADER IN SMALL CLAIMS COURT PROCEDURE			
HB0503	2/21	3/24		CONCUR AS AMENDED		3/26
BRADLEY, DOROTHY			EXTEND LANDOWNER IMMUNITY TO TOURING OF CULTURAL AND HISTORICAL SITES			
HB0504	3/09			CONCUR AS AMENDED		3/21
KADAS, MIKE			LIMIT CHALLENGES TO INITIATIVES PRIOR TO ELECTION			
HB0509	2/21	3/09		CONCUR AS AMENDED		3/21
SCHYE, TED			PROHIBIT THE OPERATION OF AN AIRCRAFT WHILE UNDER INFLUENCE OF ALCOHOL/DRUGS			
HB0546	3/02	3/09		CONCUR AS AMENDED		3/13
FRITZ, HARRY			MODIFY ABSOLUTE LIABILITY DEFINITION -- APPLY TO DUI OFFENSES			
HB0554	2/16	3/23		CONCUR AS AMENDED		3/26
DAILY, FRITZ			PAY CRIME VICTIMS THE PERPETRATOR'S PROCEEDS OF THE CRIME			
HB0558	2/21	3/09		CONCUR		3/11
GOULD, BUDD			REVISE AND CLARIFY RESPONSIBILITY FOR CRIME COMMITTED WHILE INTOXICATED			
HB0564	3/02	3/26		CONCUR AS AMENDED		3/26
WILLIAMS, MEL			REVISE CITY COURT JURISDICTION AND PROCEDURE			
HB0566	3/02	3/16		CONCUR AS AMENDED		3/17